

**Remarks:**

1. This petition is filed in response to the non-final Office Action dated May 20, 2004. Applicant thanks Examiner Pezzuto for his review of the application. Claims 1 – 8 were pending at the time of Examiner's review. Examiner rejected claims 1 – 8 under 35 U.S.C. § 102(b).

2. **Amendments to the Specification:** A typing error was corrected in paragraph [0010] and unintentional and unnecessary commentaries deleted from paragraphs [0025] and [0031]. No new subject matter was introduced and Applicant respectfully requests approval and entry of these amendments.

3. **Amendments to the Claims:** Claim 1 has been amended merely to eliminate redundancy in language. This amendment was not made with regard to any rejections raised by the examiner. No new subject matter is introduced with this amendment and Applicant respectfully requests approval and entry of the amended claim.

4. **35 U.S.C. § 102(b) Rejection:** Examiner rejected claims 1 – 8 under 35 U.S.C. § 102(b) as being anticipated by **Tremblay et al.** (U.S. Patent 6,105,352) and **Furford** (U.S. Patent 5,881,544). Examiner stated as a reason for rejection merely that the claims were rejected "as being clearly anticipated by Tremblay et al. '352 or Furford '544." Applicant respectfully asserts that this rejection is wholly inadequate because it does not provide sufficient information for Applicant to form a proper and on-point response to the rejection. Applicant is making his best effort to respond to the rejection, but also requests that a second Office Action, should one issue, not be a final Office Action.

5. Applicant respectfully draws Examiner's attention to Claims 1 and 2 of the present application, which are as follows. Emphasis added.

1. (currently amended) Apparatus for raking berries, said apparatus comprising:  
a frame assembled on wheels, said frame having a forward end and

a rearward end;

a rake head rotatably mounted on said forward end of said frame, said rake head having a plurality of rakes, wherein each rake of said plurality of rakes has a rake orientation ***that remains constant relative to a vertical plane when said rake head is rotating***; and

a berry-conveyance means mounted in said frame rearward of said rake head;

a main drive means for driving said wheels, said rake head, and said berry-conveyance means.

2. (previously presented) The apparatus of claim 1, wherein said rake head includes a rake-head shaft and a rake-head flange mounted at each end of said head shaft, wherein said head shaft is mounted centrally in each said rake-head flange;

***wherein said each rake is mounted on said rake-head flange so as to extend parallel to and radially displaced from said rake-head shaft***; and

wherein said rakes are spaced evenly about said rake-head flange equidistant from said rake-head shaft.

See FIGS. 2, 3A, and 4 for illustrations of the rakes (24) mounted on the flange (28), radially offset from the central shaft (30), with all rakes having the same orientation, no matter where in the rotation cycle they are.

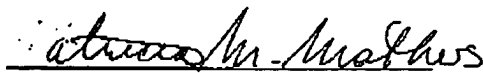
6. The Tremblay et al. patent discloses apparatus with a set of combs (30) fixedly mounted on a central axial shaft (18). When the shaft rotates, the sets of combs rotate with the shaft, changing their orientation relative to the vertical as they rotate through a 360 degree path. Furthermore, the sets of combs are not mounted parallel to and radially displaced from the central shaft, as is the case with the rakes of the present invention.

7. The Furford patent discloses apparatus having a central shaft (114), on which are mounted four series of pick arms (120). As with the Tremblay et al. disclosure, these pick arms rotate with the central shaft, changing their orientation relative to the vertical as the shaft turns. They are also not mounted radially offset and parallel to the central shaft.

8. Applicant asserts that the apparatus of the present application is clearly distinguishable from the **Tremblay et al.** and the **Furford** disclosures, and, accordingly, requests that Examiner withdraw his rejection under 35 U.S.C. § 102(b) of Claims 1 – 8 and allow these claims, or state with some specificity why the cited references anticipate the present invention.

9. This response is being timely filed within three months of the mailing date of the Office Action.

Respectfully submitted,



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